

REMARKS

1. Status of claims

After entry of the above amendment, claims 7-10 and 15-33 are pending and under consideration.

2. Support for amendment

The amendment to the specification clarifies the depository with which biological materials referred to by the present specification and claims were deposited. No new matter has been added by this amendment.

3. Claim rejections under 35 U.S.C. § 112, first paragraph

First, the Examiner rejected claims 12-14 as failing to comply with the written description requirement. By the above amendment, these claims have been canceled, and Applicant submits the basis for this rejection has been removed.

Second, the Examiner rejected claim 10 as failing to comply with the enablement requirement, on the grounds that the declaration of Chi-Li Liu, filed July 27, 2007, reported that yeast strains NRRL Y-30320, NRRL Y-30321, NRRL Y-30322, NRRL Y-30323, NRRL Y-30324, NRRL Y-30325, NRRL Y-30326, NRRL Y-30327, NRRL Y-30328, NRRL Y-30329, NRRL Y-30491, and NRRL Y-30493 had been deposited with the Northern Regional Research Center (NRRL) Agricultural Research Service Culture Collection, whereas the specification had been amended to state the yeast strains had been deposited with ATCC.

The amendment to the specification stating the yeast strains had been deposited with ATCC was in error. The facts of the deposit are as given by Dr. Liu's declaration and Applicants submit that all requirements of 37 CFR 1.801-1.809, with the exception of those of 37 CFR 1.809(d) concerning enumeration of deposit information in the specification, have been met. Therefore, Applicants submit that claim 10 is enabled and request that this rejection be withdrawn.

4. *Conclusion*

Applicants submit all pending claims are in condition for allowance. The Examiner is invited to contact the undersigned patent agent at (713) 934-4065 with any questions, comments or suggestions relating to the referenced patent application.

Respectfully submitted,

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